

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HANS P. RUNKEL, receiver of the assets
of F.E. FLUSHOH GMBH & CO., KG,
a German debtor corporation,

Plaintiff,

CIVIL ACTION NO. 04 CV 74664 DT

v.

DISTRICT JUDGE JULIAN ABELE COOK, JR.

FORD MOTOR COMPANY,
a Delaware corporation,

MAGISTRATE JUDGE VIRGINIA MORGAN

Defendant.

**ORDER GRANTING DEFENDANT'S MOTION TO COMPEL MEDIATION
AND ARBITRATION AND TO STAY PROCEEDINGS**

This matter is before the court on the defendant's motion to compel arbitration and stay proceedings. Plaintiff responded and oral argument was held before the magistrate judge on April 27, 2005. For the reasons stated on the record, IT IS ORDERED as follows:

1. The Motion to Compel Arbitration is GRANTED.
2. The case is stayed for 30 days to permit the plaintiff to file objections to this order with the district judge and/or to discuss a mechanism to stay the case in order to permit arbitration.
3. With respect to the mechanism of a stay, the court has considered the delay engendered by an arbitration proceeding and the computerization of the court's docket. Since arbitration could take up to a year, a stay would not accurately reflect the state of the court's docket. Therefore, the magistrate judge recommends that in lieu of a stay, the case be administratively dismissed without prejudice to permit arbitration. Counsel will discuss whether this can be accomplished via a Stipulation and Order of Dismissal

Without Prejudice to Permit the Parties to Conduct Arbitration. If no such stipulated order is received by the chambers of the district judge on or before May 27, 2005, it is recommended that the court affirm the order granting motion to compel arbitration and enter an order of dismissal without prejudice to permit arbitration.

SO ORDERED.

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Dated: April 28, 2005

Proof of Service

The undersigned certifies that a copy of the foregoing order was served on the attorneys of record by electronic means or U.S. Mail on April 28, 2005.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Morgan